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Human rights questions: human rights situations and reports of special rapporteurs and special representatives

Draft resolution submitted by the Chairperson of the Third Committee on the basis of informal consultations

Question of human rights in Afghanistan

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights[2] and accepted humanitarian rules, as set out in the Geneva Conventions of 12 August 1949[3] and the Additional Protocols thereto, of 1977,[4]

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have freely undertaken under the various international instruments,

Recalling that Afghanistan is a party to the Convention on the Prevention and Punishment of the Crime of Genocide,[5] the International Covenant on Civil and Political Rights,[2] the International Covenant on Economic, Social and Cultural Rights,[2] the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[6] the Convention on the Rights of the Child[7] and the Geneva Convention relative to the Protection of Civilian Persons in Time of War[8] and that it has signed the Convention on the Elimination of All Forms of Discrimination against Women,[9]

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[1] General Assembly resolution 217 A (III).
[2] General Assembly resolution 2200 A (XXI), annex.
[3] United Nations, *Treaty Series*, vol. 75, Nos. 970-973.
[4] Ibid., vol. 1125, Nos. 17512 and 17513.
[5] General Assembly resolution 260 A (III).
[6] General Assembly resolution 39/46, annex.
[7] General Assembly resolution 44/25, annex.
[8] United Nations, *Treaty Series*, vol. 75, No. 973.
[9] General Assembly resolution 34/180, annex.

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Recalling also all its relevant resolutions, as well as the resolutions and presidential statements of the Security Council, the decisions of the Economic and Social Council, the resolutions and decisions of the Commission on Human Rights and the resolutions of the Commission on the Status of Women,

Recalling further that the United Nations continues to play its central and impartial role in international efforts towards a peaceful resolution of the Afghan conflict, and encouraging all efforts at the national, regional and international levels aimed at finding a solution to the continuing conflict through a broad-based dialogue involving all concerned actors,

Expressing deep concern at the lack of reconstruction in Afghanistan,

1. *Takes note with appreciation* of the interim report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Afghanistan[10] and of the conclusions and recommendations contained therein, and encourages the Special Rapporteur to continue to fulfil his mandate;

2. *Strongly condemns* the mass killing and the systematic human rights violations against civilians and prisoners of war, including in the areas of Mazar-e Sharif and Bamian, and notes with alarm the resumption by the Taliban of the wider conflict during the past summer, especially in the Taloqan area, resulting in the massive, forced displacement of the civilian population, in particular of women and children;

3. *Condemns* the widespread violations and abuses of human rights and international humanitarian law, including the rights to life, liberty and security of person, freedom from torture and from other forms of cruel, inhuman or degrading treatment or punishment, freedom of opinion, expression, religion, association and movement, the forced or compulsory recruitment of children for use in armed conflict and, in particular, the grave human rights violations against women and girls;

4. *Reiterates its condemnation* of the killings of Iranian diplomats and the correspondent of the Islamic Republic News Agency by the Taliban, which constituted flagrant violations of established international law, as well as of the attacks on and killings of United Nations personnel in Taliban-held territories of Afghanistan, and calls upon the Taliban to fulfil their stated commitment to cooperate in urgent investigations of these heinous crimes with a view to bringing those responsible to justice;

5. *Notes with deep concern*:

(a) The persisting pattern of human rights violations in Afghanistan;

(b) The continuing and substantiated reports of human rights violations against women and girls, including all forms of discrimination against them, notably in areas under the control of the Taliban;

(c) The intensification of armed hostilities in Afghanistan and the complex nature of the conflict, including its ethnic, religious and political aspects, which have resulted in extensive human suffering and forced displacement, inter alia, on the grounds of ethnicity;

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[10] See A/55/346.

(d) The continued displacement of millions of Afghan refugees to the Islamic Republic of Iran, Pakistan, Tajikistan and other countries;

(e) The deliberate destruction of life-sustaining activities;

(f) The substantial restrictions introduced by the Taliban authorities on the operations of the United Nations and the specialized agencies that provide assistance in Afghanistan, and notes the negative impact that these restrictions have on providing women, children, in particular girls, and other most vulnerable groups with assistance;

6. *Also notes with deep concern* the sharp deterioration of the humanitarian situation in many areas of Afghanistan, including the Shamali, Punjshir valleys and the north-east, and calls for the full implementation of the agreement on the security of United Nations personnel in Afghanistan;

7. *Urges* all States to respect the sovereignty, independence, territorial integrity and national unity of Afghanistan, to refrain from interfering in its internal affairs and to end immediately the supply of arms, ammunition, military equipment, including fuel for military purposes where identifiable, training or any other military support, including the provision of foreign military personnel, to all parties to the conflict;

8. *Stresses* the need for national reconciliation and for the establishment of the rule of law, good governance and democracy in Afghanistan and, concurrently, the need for extensive rehabilitation and reconstruction;

9. *Urges* all the Afghan parties:

(a) To respect fully all human rights and fundamental freedoms, regardless of gender, ethnicity or religion, in accordance with international human rights instruments;

(b) To cease hostilities immediately, to work and cooperate fully with the Personal Representative of the Secretary-General for Afghanistan and the United Nations Special Mission to Afghanistan with a view to achieving a ceasefire and to implement the Tashkent Declaration on Fundamental Principles for a Peaceful Settlement of the Conflict in Afghanistan of 19 July 1999,[11] thus laying the foundation for a comprehensive political solution leading to the voluntary return of displaced persons to their homes in safety and with dignity and to the establishment of a broad-based, multi-ethnic, fully representative Government through the full exercise of the right to self-determination of the Afghan people;

(c) To reaffirm publicly their commitment to international human rights and principles and to recognize, protect and promote all human rights and fundamental freedoms;

(d) To respect fully international humanitarian law, to protect civilians, to halt the use of weapons against the civilian population, to refrain from the wanton destruction of food crops and civilian property, in particular homes, to stop the laying of landmines, especially anti-personnel mines, to fulfil their duty to cooperate with the United Nations mine action programme and to protect its personnel, to prohibit conscripting or enlisting children or using them to participate in hostilities

[11] A/54/174-S/1999/812, annex.

in violation of international law and to ensure the disarmament, demobilization and reintegration of children into society;

(e) To provide efficient and effective remedies to the victims of grave violations and abuses of human rights and of international humanitarian law and to bring the perpetrators to trial;

(f) To treat all suspects and convicted or detained persons in accordance with relevant international instruments and to refrain from arbitrary detention, including detention of civilian foreign nationals, and urges their captors to release them as well as non-criminal civilian prisoners;

10. *Demands* that all the Afghan parties fulfil their obligations regarding the safety of all personnel of diplomatic missions, the United Nations and other international organizations, as well as their premises in Afghanistan, and to cooperate fully and without discrimination on grounds of gender, nationality or religion with the United Nations and associated bodies and with other humanitarian organizations, agencies and non-governmental organizations;

11. *Urges* all the Afghan parties, in particular the Taliban, to bring to an end without delay all violations of human rights against women and girls and to take urgent measures to ensure:

(a) The repeal of all legislative and other measures that discriminate against women and girls and those that impede the realization of all their human rights;

(b) The effective participation of women in civil, cultural, economic, political and social life throughout the country;

(c) Respect for the right of women to work and their reintegration into employment, including in the specialized agencies of the United Nations system and human rights organizations;

(d) The equal right of women and girls to education without discrimination, the reopening of schools and the admission of women and girls to all levels of education;

(e) Respect for the equal right of women to security of person, and that those responsible for physical attacks on women are brought to justice;

(f) Respect for the freedom of movement of women;

(g) Respect for the effective and equal access of women and girls to the facilities necessary to protect their right to the highest attainable standard of physical and mental health;

12. *Takes note* of the report of the Special Rapporteur of the Commission on Human Rights on violence against women, its causes and consequences,[12] on her mission to Afghanistan;

13. *Urges* all Afghan parties to respect all international human rights instruments, including the Convention on the Elimination of All Forms of Discrimination against Women,[9] to bring to an end without delay all violations of the human rights of women and girls, to take urgent measures to ensure the respect

[12] E/CN.4/2000/68/Add.4 of 13 March 2000.

of all fundamental freedoms and to respect international humanitarian law with regard to the conduct of hostilities;

14. *Notes with appreciation* the activities carried out by the International Committee of the Red Cross, as well as by non-governmental organizations, throughout the territory of Afghanistan;

15. *Recalls* its invitation extended to the Secretary-General and the United Nations High Commissioner for Human Rights to proceed without delay to investigate fully reports of mass killings of prisoners of war and civilians, rape and cruel treatment in Afghanistan, expresses deep regret for the lack of cooperation by Afghan parties, calls upon the United Front and the Taliban to fulfil their stated commitment to cooperate with such investigations, and, noting the summary of the report on the investigations,[13] expresses its deep regret to all the parties for the unsatisfactory results;

16. *Notes with grave concern* the recent reports of summary executions of prisoners in Taliban-held areas, which have been denied by the Taliban, in the north of Afghanistan and calls upon the Taliban to cooperate with the Special Rapporteur in fully investigating these allegations;

17. *Invites* the Secretary-General and the High Commissioner to ensure that the ongoing process of deployment of the civilian affairs observer in Afghanistan is completed as soon as possible and that gender issues and the rights of children are fully taken into account in their mission;

18. *Appeals* to all States, organizations and programmes of the United Nations system, specialized agencies and other international organizations to provide humanitarian assistance to all in need, and urges all Afghan parties to ensure a free, safe and unhindered access to all humanitarian personnel, as part of an overall effort to achieve peace;

19. *Expresses its deep concern* at reports of attacks on and looting of cultural artefacts in Afghanistan, emphasizes that all parties share the responsibility to protect their common heritage, and requests all Member States to take appropriate measures to prevent the looting of cultural artefacts and to ensure their return to Afghanistan;

20. *Urges* all the Afghan parties to extend their cooperation to the Commission on Human Rights and to all those special rapporteurs who are seeking invitations, and, in particular, calls upon the Taliban to accommodate the forthcoming visit of the Special Rapporteur on the situation of human rights in Afghanistan;

21. *Requests* the Secretary-General to give all necessary assistance to the Special Rapporteur;

22. *Decides* to keep the situation of human rights in Afghanistan under consideration at its fifty-sixth session, in the light of additional elements provided by the Commission on Human Rights and the Economic and Social Council.

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[13] A/54/626, annex.